

### **REMARKS**

Claims 1-7 are pending in this application. Claims 1 and 5-7 are independent. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended the claims to more appropriately recite the claimed invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejection, but merely to timely advance prosecution of the present application.

### **Official Action**

In the outstanding Official Action, the Examiner rejected claims 1-2 and 4-5 under 35 U.S.C. §103(a) as being unpatentable over Nakajima et al. (USP 6,025,929) in view of Yamamoto (USP 6,577,751); rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Nakajima et al. and Yamamoto and further in view of Anderson (USP 5,933,137); and rejected claims 6-7 under 35 U.S.C. §103(a) as being unpatentable over Ishida et al. (USP 6,714,204) in view of Yamamoto. Applicant respectfully traverses these rejections.

### **Claim Rejections – 35 U.S.C. §103 – Nakajima et al./Yamamoto**

In the previous reply, Applicant argued that neither of the cited references taught or suggested “a correcting section that transfers image data to the image output section upon application of processing of detection and correction of a predetermined inconvenience as to eyes in the image represented by the image data to the image data, or transfers image data to the image output section without application of processing of detection and correction of the predetermined inconvenience to the image data, **in accordance with a situation as to whether an associated output mode of the image output section is a predetermined output mode which is relatively high in the output quality among the plurality of output modes.** Thus, the red eye condition becomes inconspicuous when the image quality is lowered and thus, processing for correcting red-eye can be omitted,” as required by claim 1.

In response to this argument, the Examiner refers to Fig. 21 of Nakajima et al. The Examiner asserts that Fig. 21 describes adjusting the amount of processing to be performed based on the output mode. The Examiner further asserts that Yamamoto discloses correcting inconvenience as to eyes. The Examiner asserts that one skilled in the art would be motivated to combine the teachings of Yamamoto with the teachings of Nakajima et al. as red eye correction is known to be a serious problem.

The disclosure of Nakajima et al. is directed to a printer that controls image processing based on image quality and/or processing speed. At col. 9, lines 2-29, Nakajima et al. discloses as follows:

Herein, the high-speed mode is an output mode to print quickly without considering print quality, for the purpose of confirming a layout of an output image or the like, e.g., draft printing. When a user selects the high-speed mode, the selecting unit 133 selects dither processing capable of relatively quick processing, as a binarization process of the binarizing unit 512. Meanwhile, the high-quality mode is an output mode used when print quality is important in spite of longer printing period compared to that of the high-speed mode. When a user selects the high-quality mode, the selecting unit 133 selects error diffusion processing as a binarization process of the binarizing unit 512. Naturally, these two modes cannot be selected simultaneously. In addition, it is possible to set a black and white mode for printing an image that mainly includes characters, lines or tables. In such case, the selecting unit 133 selects simple binarization processing, which is the quickest process, as a binarization process of the binarizing unit 512.

As can be seen from the above disclosure, Nakajima et al. discloses a printer performing either dither processing or error diffusion processing depending on whether the high-speed mode or the high-quality mode is set.

Yamamoto discloses a digital photoprinter that incorporates a scanner 12, an image processing apparatus 14, a printer 16, a keyboard 18a, mouse 18b, and display 20. At col. 6, lines 29-40, Yamamoto discloses as follows:

As will be described later in detail, the image read by prescan in the image processing method of the invention is represented on the display 20 and the operator, looking at the displayed image, selects the frame or frames which should be subjected to red eye correction. Prescan, therefore, should be performed at a sufficiently high resolution that the operator looking at the image represented on the display 20 can learn that red eye has

occurred. Alternatively, two different modes may be set, one being for identifying the occurrence of the red eye problem and performing its correction and the other being a mode in which red eye correction is not performed at all, and the reading conditions for prescan are altered between the two modes.

As can be seen from the above disclosure, during **prescan**, two different modes may be set, one for identifying occurrence of red eye problem and performing its correction, and the other being a mode in which a red eye problem is not performed at all. This operation is performed during prescan so that an operator may be aware of the red eye problem before the image is first processed so that correction may occur. We do not believe that this combination is proper.

Nakajima et al. discloses performing processing on the entire image depending on the output mode. Yamamoto, during a completely different operation, namely prescan, performs red eye correction depending on the prescan mode. In other words, the image is prescanned in a high resolution so that the operator may identify the red eye problem and correct it accordingly.

In contrast, the invention of claim 1, as amended requires a correcting section that transfers image data to the image output section **upon application of processing of detection** and correction of a predetermined inconvenience as to eyes in the image represented by the image data to the image data, or transfers image data to the image output section without application of processing of detection and correction of the predetermined inconvenience to the image data, **based on a comparison between the received image data and the image to be output according to output quality related with a selected output mode**. Even if the teachings of Yamamoto were properly combinable with the teachings of Nakajima et al. the resultant device would not teach or suggest a correcting section that includes an application of processing of detection of a red eye problem.

Further, the modes associated with prescan operation of Yamamoto are insufficient to teach an output mode of the image output section.

Still further, according to the teachings of Yamamoto, the red eye correction section is in the image processing apparatus of Yamamoto, not the printer. The Examiner has still failed to

provide any motivation or rationale as to why one skilled in the art would modify the printer of Nakajima et al. to include the red eye correction section, including the additional components that support the red eye correction section, i.e., the display, the manipulating unit 18, etc. The Examiner's statement merely addresses, *arguendo*, why one skilled in the art would address a red eye problem, not why one skilled in the art would modify a printer to include the correcting section as claimed.

Finally, Applicant maintains that one skilled in the art would not look to incorporate red eye correction in the printer of Nakajima et al. The printer in Nakajima et al. performs automated image processing that does not require any input from the user. In contrast, in order to perform red eye correction, Yamamoto discloses that information is input from the user, i.e., designation of the frame to correct or identification of the eye section. This type of correction is more suited for an image processing apparatus that incorporates a keyboard, mouse, display, etc. The printer of Nakajima et al. does not incorporate these elements. As such, Applicant maintains that one skilled in the art would not seek to perform red eye correction in the printing apparatus of Nakajima et al.

For at least these reasons, the outstanding rejection is improper and the outstanding rejection should be withdrawn. These deficiencies in the Examiner's rejections exist for claims 2, and 4-5.

#### **Claim Rejections – 35 U.S.C. §103 – Ishida et al./Yamamoto**

In support of the Examiner's rejection of claims 6 and 7, the Examiner maintains that the combination of the teachings of Ishida et al. and Yamamoto render the claims obvious. Applicant respectfully disagrees with the Examiner's assertions.

The disclosure of Ishida et al. is directed to a system including a server that is communicably linked to a terminal. Image data may be transmitted from the server to the terminal. Prior to transmission, information regarding the processing abilities of the terminal is determined. Based on the information associated with the terminal, and the processing abilities

of the server, processing of the image data occurs at the server, at the terminal, or at both the server and the terminal. The image processing taught by Ishida et al. is tone correction and halftone processing.

The teachings of Yamamoto are discussed above.

Applicant submits that the rejection of claims 6 and 7 are deficient for the reasons set forth above with regard to claim 1 and thus the outstanding rejections should be withdrawn.

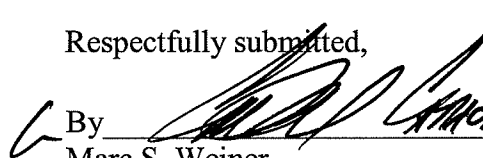
### **Conclusion**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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